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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,845	01/15/2004	Marcel Leisi	P/231-150	3077
2352	7590	07/27/2004	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			EVANS, ROBIN OCTAVIA	
			ART UNIT	PAPER NUMBER
			3742	

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/757,845

Applicant(s)

LEISI, MARCEL

Examiner

Robin O. Evans

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 12 and 14-16 is/are rejected.
- 7) ☒ Claim(s) 6-11 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 6-11 and 13 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2-5 and 14-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, it is unclear which joint the limitation of "the joint" is referring to since claim 1 also recites a watertight joint, it should be noted that reference numbers cannot be relied upon to distinguish between claim elements.

It is unclear what is meant by the term "sub-claim" as recited in claims 4 and 5. The examiner has deemed it just to dependent on claim 2 and the claims have been treated as such.

In claim 14 the limitation of "the main oblong hole" lacks an antecedent basis in the claims.

Also claim recites "the insert" however an insert is not recited in claim 1.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by foreign Japanese Patent No. 405277406A (Hereinafter Koizumi).

Koizumi shows a reversible spray head for spray guns having a reversible element 10, watertight joint 11a, 11b, channel 13 and a spray hole at each end of the channel as shown in figure 1.

6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Vork (3,116,882).

Vork shows a reversible spray head having a reversible element 20, water tight joint 46, channel 28 and spray tips 29 at each end of the channel as shown in figure 4.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 14/1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vork in view of Hedger et al. (5,704,548).

Vork shows all of the claimed limitations but does not show the spray head having air nozzles. Hedger et al. shows another spray head having a reversible

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element along with air nozzles. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have supplied Vork's spray head with air nozzles so as to be able to shape the fluid coming out of the channel so as to contain fly away or overspray thus resulting in an uniform, well atomized more transfer efficient spray as suggested by Hedger et al. in column 1, lines 41-46.

9. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vork in view of Hedger et al. as applied to claim 14/1 above, and further in view of the combined teachings of Earl (US2003/0010838) and Rhodehouse (5,255,848).

The combination spray head shown by Vork and Hedger et al. shows all of the claimed limitations including Vork disclosing that the spray tips may be provided with any suitably shaped and sized orifice (column 1, lines 1-2) but the combination does not disclose the angle of the spray tip inserts. Earl discloses in paragraph 0009 that paint guns typically use several interchangeable tips of different sizes and/or different spray patterns at the same job site, the size and pattern of the tip being dictated by the particular application and Rhodehouse discloses that it is often necessary to change tips to provide for a heavier (bigger) or finer spray pattern (see column 1, lines 23-25 and 66+). Therefore in view of the combined teachings of the Earl and Rhodehouse it is deemed that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have made the tips with different so that the user can change from a wide angle spray such as in the range of 90° –120° to an angle of 30° or from an angle of 25° to an angle of 5° as is dictated by the application the spray head is being used for.

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***Allowable Subject Matter***

10. Claims 2-5 and 12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gassaway, Bell et al., Calder and Kobayashi all show devices in the general state of the art of the invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robin O. Evans whose telephone number is 703 305-5766. The examiner can normally be reached on Monday-Thursday 6:30 am- 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mar can be reached on 703 308-2087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robin O. Evans  
Primary Examiner  
Art Unit 3742

7/26/04

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